

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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UNITED STATES OF AMERICA,

Plaintiff,

v.

MOTIVA ENTERPRISES LLC,

Defendant.

Criminal Action No. 05-21

WAIVER OF INDICTMENT

1. Motiva Enterprises LLC, the above named defendant, accused of violating the Clean Water Act, 33 U.S.C. §§ 1311, 1319(c)(1)(A), 1319(c)(2)(A), and 1342, and the Clean Air Act, 42 U.S.C. § 7413(c)(4), being advised of the nature of the charges and of its rights, hereby knowingly, voluntarily and intelligently waives prosecution by Indictment and consents that the proceeding may be by Information instead of by Indictment.

2. The defendant understands that (a) unless it waives Indictment, it could not be charged with these offenses unless the Grand Jury found probable cause to believe it committed the offenses and returned an Indictment; (b) the Grand Jury is composed of at least sixteen, but not more than twenty-three lay persons, and at least twelve of those Grand Jurors must find probable cause to believe that the defendant committed these offenses before an Indictment could be returned; and (c) by waiving Indictment, the Government will be proceeding by a document written by the United States Attorney and called an Information and the defendant will be prosecuted on that Information, rather than on an Indictment.

3. The defendant has read and reviewed with its counsel the charges in the Information, and is satisfied that its counsel has properly explained the charges and this Waiver of Indictment.

4. No one has made the defendant any promises or threatened or forced the defendant to waive Indictment.



William Welte
President and CEO, Motiva Enterprises LLC



Eric Kraeutler, Esq.
Counsel for Defendant Motiva Enterprises LLC

Date: